

105.015

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**MARK TURULSKI, SR.**

Plaintiff

CIVIL ACTION

vs.

NO.

**AMTRAK**

Defendant

**DEFENDANT AMTRAK'S INITIAL DISCLOSURES**  
**PURSUANT RULE 26**

Defendant Amtrak by and through their counsel Gallagher, Rowan and Egbert, P.C., hereby submit the following initial disclosures pursuant to Rule 26.

**(a) REQUIRED DISCLOSURES (1)(A):**

*The name and last known address of each person reasonably likely to have information that bears significantly on the claims and defenses identifying the subjects of the information;*

1. Plaintiff Mark Turulski
2. Robert M. Blatt
3. Amtrak Officer Brian V. Larkin
4. Amtrak employee Sandra M. Caine
5. Amtrak employee Josphe Degrazia
6. Amtrak employee James Ghecas
7. Amtrak employee Linda Ecker
8. Representative / employee from B & F Towing
9. Amtrak Sergeant John Mangan
10. Amtrak Investigator Everett L. Rainey, Sr.
11. Amtrak Police Officer Goelz
12. Amtrak Captain Ron Bason

13. Amtrak Police Department, Annette Irons
14. Representative from Wilmington Police Field Office
15. Other representatives from Amtrak and the Amtrak Police Department.

All witnesses listed above who are Amtrak employees may be contacted through the Defendant, via the undersigned counsel.

**(a) REQUIRED DISCLOSURES (1) (B):**

*A general description, including location, of all documents, data, compilations, and tangible things in the possession, custody or control of that party that are likely to bear significantly on the claims and defenses.*

1. Amtrak Claims Management System Incident Report pages 1 - 6. Copy Attached (portions redacted).
2. Plaintiff's medical records.
3. Plaintiff's Criminal Court records.
4. Plaintiff's Military records.
5. Plaintiff's employment records.
6. Plaintiff's arrest photo and records from the Wilmington Police, if any.

Any documents listed above and not attached that are discoverable, once obtained, will be produced by and through the Defendant, via the undersigned counsel.

**(a) REQUIRED DISCLOSURES (1) (C):**

*the existence and content of any insurance agreement under which any person or entity carrying on an insurance business may be liable to satisfy part or all of the judgment that may be entered in the action....*

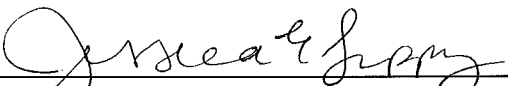
Defendant Amtrak is self insured for purposes of the this action.

As discovery and investigation are continuing, the Defendant reserves its right to supplement its disclosures and awaits Plaintiff's disclosures.

Thank you for your cooperation in this matter.

Respectfully submitted,

GALLAGHER, ROWAN & EGBERT P.C.

BY:   
JESSICA E. GENSLER LIPPY, ESQUIRE  
Attorney I.D. No. 4426  
SilverSide Carr Executive Center  
501 SilverSide Road, Suite 94  
Wilmington, DE 19809  
(302) 798-2779  
Attorney for Defendant Amtrak

Dated: April 14, 2006

105.015

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

MARK TURULSKI, SR.

Plaintiff

CIVIL ACTION

vs.

NO.

AMTRAK

Defendant

JURY TRIAL DEMANDED  
12 JURORS REQUESTED

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Defendant Amtrak's Initial Disclosures were served by First Class United States Mail, postage pre-paid on the following:

Mark Turulski, Sr.  
6 Brookside Drive  
Apartment A  
Wilmington, DE 19804  
***Plaintiff***

GALLAGHER, ROWAN & EGBERT P.C.

BY:



JESSICA E. GENSLER LIPPY, ESQUIRE  
Attorney I.D. No. 4426  
SilverSide Carr Executive Center  
501 SilverSide Road, Suite 94  
Wilmington, DE 19809  
(302) 798-2779  
Attorney for Defendants Amtrak

Dated: April 14, 2006

Program: CMS301 Incident Report

Case No.: 1-04-006048 AMTRAK POLICE DEPARTMENT

Date of Occurrence.: 3/20/04 thru 3/20/04 Time of Occur.: 11:08 thru 11:08  
Date of Report.....: 3/20/04 Time of Report: 10:39  
Dispatched.....: 3/20/04 @ 10:39 Responded.....: @ 0:00  
Arrived.....: 3/20/04 @ 10:39 Cleared.....: 3/20/04 @ 23:38

Day of the Week...: SATURDAY  
Common Name.....: WILMINGTON SHOPS  
Incident Location.: 2500 MAIN LINE SOUTH WIL  
Incident Cty/ST/PR: WILMINGTON P/O ZIP:  
County.....: DE-NEW CASTLE  
Location Type.....: AMTRAK YARD 317  
Beat Assignment...: WILMINGTON DE MILE POST: YWILS0201  
District.....: MID ATLANTIC NORTH DIVISION  
Patrol Area : WILMINGTON-NORTH(INCL.MAINT.FAC.)  
Department Classif: LARCENY/ OTHER METALS X  
Reporting Officer.: BRIAN V LARKIN  
CASE STATUS.....: CLOSED Date: 3/20/04  
Alcohol Related...: UNKNOWN  
Drugs Related.....: UNKNOWN

\*\*\*\*\* V E R I F I C A T I O N I N F O R M A T I O N \*\*\*\*\*  
DATA ENTRY CLERK.: 4/05/06 Employee: SANDRA M CAINE  
REPORT OFCR REVIEW: Employee:  
APPROVED.....: Employee:

\*\*\*\*\* C A S E M A T E R I A L S C O N T A I N S C O N F I D E N T I A L I N F O R M A T I O N \*\*\*\*\*  
Case Disposition.: CLOSED ON SECONDARY DISSEMINATION MAY CLOSED Date: 3/20/04  
Case Forwarded To: RESULT IN CRIMINAL AND CIVIL  
PENALTIES

\*\*\*\*\* O F F E N S E R E P O R T S \*\*\*\*\*

Offense #: 1

STATE UCR CLASSIF.: LARCENY/ OTHER METALS  
UCR CLASSIFICATION: LARCENY - OTHER  
Attempt./Committed: COMMITTED  
Statute Ordinance.: LARCENY/AMTRAK SCRAP METAL  
Theft by Computer.: NO  
Reason for Attack.: THEFT  
UCR Type of Weapon:  
Entry - How/Where?: THROUGH GATE  
Forced Entry.....: NO  
Structure Occupcy.: UNOCCUPIED # Premises:  
Evidence Collected: NO  
Criminal Activity.: OTHER  
Location Type.....: AMTRAK YARD 317  
STATE DISPOSITION.: ADULT REFER OTHER AGENCY 090  
UCR Incident Stat.: CLOSED Date: 3/20/04  
Arrest Case #.....: 1-04-006048 # of People Arrested: 2  
Excpt. Cleared Typ: N/A  
Rept. UCR Offense#:

Case No.: 1-04-006048 AMTRAK POLICE DEPARTMENT (Continued)

Offense #: 2  
STATE UCR CLASSIF.: TRESPASS CRIM. LAND ADULT ARREST  
UCR CLASSIFICATION: OTHER  
Attempt./Committed: COMMITTED  
Statute Ordinance.: CRIMINAL TRESPASS #11-822  
Theft by Computer.: NO  
Reason for Attack.: THEFT  
UCR Type of Weapon:  
Entry - How/Where?: THROUGH GATE  
Forced Entry.....: NO  
Structure Occupcy.: UNOCCUPIED # Premises:  
Evidence Collected: NO  
Criminal Activity.: OTHER  
Location Type.....: AMTRAK YARD 317  
STATE DISPOSITION.: ADULT REFER OTHER AGENCY 090  
UCR Incident Stat.: CLOSED Date: 3/20/04  
Arrest Case #.....: 1-04-006048 # of People Arrested: 2  
Excpt. Cleared Typ: N/A  
Rept. UCR Offense#:

\* \* \* \* \* OFFENSE PRIMARY RELATIONSHIPS \* \* \* \* \*

Offense #: 001 LARCENY/ OTHER METALS / LARCENY - OTHER / LARCENY/AMTRAK SCR  
Name #.....: 001 (SUSP) BLATT, ROBERT M.  
Name #.....: 002 (SUSP) TURULSKI, MARK T.

\*\*\*\*\* VEHICLE INFORMATION \*\*\*\*\*

SEIZED VEHICLE # 1  
UCR PROPERTY.: VEHICLES  
UCR VEHICLE TYPE: TRUCK Year: 1979  
Make.: CHEVROLET Model: TRUCK - SI Permit#:  
Style: PICKUP Color: OTHER /  
LIC/TRN #: C28202 ST: DE Country....:  
VIN/CAR # UNKNOWN  
Vehicle Damaged Code:  
Damaged/Stolen Value: \$0. Disposit'n: TOWED BY AMTRAK P.D.  
Insured (Y/N).....: NO Insured By:  
Controlling Officer.: BRIAN V LARKIN  
Veh Feature/Oddity...  
Keys in Vehicle.....: Vehicle Locked: NO  
Lein Holder.....:  
Stolen Location.....:  
City/ST/PR....:  
NCIC #.....: STATE#:  
NCIC ENT DATE: NCIC CAN DATE:  
Misc. ID #....:  
Recovered By.:  
Recovery Loc.:  
City/ST/PR: Date:  
Time: 0:00

Case No.: 1-04-006048 AMTRAK POLICE DEPARTMENT

(Continued)

\$Value: \$0.

Recovery Code:

Owner Notifd.:

By Whom:

\*\*\*\*\* PERSON INFORMATION \*\*\*\*\*

\* SUSPECT / OFFENDER \* INFORMATION # 1

Name: ROBERT M BLATT DOB.: [REDACTED]  
Addr: [REDACTED] SSN.: [REDACTED]  
City: [REDACTED] ST: [REDACTED] ZIP: [REDACTED] Phn#: [REDACTED]  
POB.: [REDACTED] ST: [REDACTED] Country: [REDACTED]  
Empl: [REDACTED] Bus#: [REDACTED]  
Occp: NONE  
Race: WHITE Sex: MALE  
Ethnic Org.: NON-HISPANIC  
OL #: [REDACTED] OL ST: [REDACTED] Country: [REDACTED]  
Min. Height: 511 FT./IN. Weight: 170 LBS. Misc#: [REDACTED]  
Max. Height: [REDACTED] FT./IN. Weight: [REDACTED] LBS.  
Min. Age: 43 Max: 43

\*\*\*\*\* ADDITIONAL SUSPECT INFORMATION # 1 \*\*\*\*\*

Hair Color: BALD Length: BALD  
Hair Style: TOTALLY BALD  
Eye Color: HAZEL Glasses: NO  
Complexion: MEDIUM Fl.Hair: NONE  
Build: MEDIUM Teeth: NO DISCERNIBLE FEATURES  
Speech/Voice: NORMAL  
Clothing: Hat: [REDACTED] Shirt: [REDACTED]  
Coat: [REDACTED] Pants: [REDACTED]  
Shoes: [REDACTED]  
Body Marks#1: [REDACTED] Marks#2: [REDACTED]  
Marks#3: [REDACTED] Marks#4: [REDACTED]  
Hand Use: RIGHT HANDED NCIC #: [REDACTED]  
Caution/Haz: N/A Weapon: [REDACTED]  
STATE #: [REDACTED] ID #: [REDACTED]  
STATUS: ARRESTEE Arrest#: 1-04-006048  
Marital stat: SINGLE FBI#: NONE

\* SUSPECT / OFFENDER \* INFORMATION # 2

Name: MARK T TURULSKI DOB.: 10/10/1947  
Addr: 6 BROOKSIDE DR APT: A SSN.: 222305690  
City: WILMINGTON ST: DE ZIP: 19804 Phn#: 302/777-1077  
POB.: ST: DE Country: [REDACTED]  
Empl: [REDACTED] Bus#: [REDACTED]  
Occp: NONE  
Race: WHITE Sex: MALE  
Ethnic Org.: NON-HISPANIC  
OL #: 504715 OL ST: DE Country: [REDACTED]  
Min. Height: 509 FT./IN. Weight: 180 LBS. Misc#: [REDACTED]  
Max. Height: [REDACTED] FT./IN. Weight: [REDACTED] LBS.  
Min. Age: 56 Max: 56

Program: CMS301

Incident Report

Case No.: 1-04-006048 AMTRAK POLICE DEPARTMENT

(Continued)

\*\*\*\*\* ADDITIONAL SUSPECT INFORMATION # 2 \*\*\*\*\*

Hair Color...: BROWN	Length...: MEDIUM (to 2")
Hair Style...: CREWCUT	
Eye Color...: HAZEL	Glasses: NO
Complexion...: FAIR	Fl.Hair: STUBBLE
Build...: MEDIUM	Teeth...: NO DISCERNIBLE FEATURES
Speech/Voice: NORMAL	
Clothing...: Hat...:	Shirt:
Coat...:	Pants:
Shoes:	
Body Marks#1:	Marks#2:
Marks#3:	Marks#4:
Hand Use...: LEFT HANDED	NCIC #:
Caution/Haz.: N/A	Weapon..:
STATE #.....:	ID #...:
STATUS.....: ARRESTEE	Arrest#: 1-04-006048
Marital stat: SINGLE	FBI#...: NONE

\*\*\*\*\* N A R R A T I V E # 1 \*\*\*\*\*  
CAD Information Reported By: 3/20/04

Call#: 040800168 Beat: SECTOR 2 Units.: 404WIL Employees:  
0000001732 LARKIN, BRIAN Units.: 429WIL Employees: 0000001098  
ECKER, LINDA Units.: 452WIL Employees: 0000001757 DEGRAZIA, JOSEPH  
Units.: 483WIL Employees: 0000001116 GHECAS, JAMES UNIT RPTS TWO  
M/A TRESPASSERS STEALING SCRAP METAL FROM LOC. TWO M/A IN CUSTODY.  
UNITS ENROUTE TO WIL LOCK UP BEG MILEAGE 109618. ARRIVED AT WIL LOCK  
UP END MILEAGE 109619. UNIT AT COURT. BOTH SUBJ WERE CITED AND  
RELEASED.

\*\*\*\*\*  
ON MARCH 20, 2004, AT 1108 HOURS, THIS OFFICER WAS WORKING IN THE  
AREA OF THE WILMINGTON SHOPS WHICH IS LOCATED IN THE CITY OF  
WILMINGTON, 4001 VANDEVER AVENUE. THIS OFFICER DID OBSERVE THE NAMED  
DEFENDANTS, (W/M/A, MARK TURULSKI, 10/10/1947 AND W/M/A, ROBERT  
BLATT, 07/21/1960. THIS OFFICER DID OBSERVED (BLATT) OPERATING THE  
LISTED VEHICLE, A 1979 CHEVY SILVERADO, DE #C28202. HE WAS OBSERVED  
BY THIS OFFICER LOADING SCRAP METAL AND PARTS FROM AMTRAK PROPERTY.  
THIS OFFICER DID A PEDESTRIAN/VEHICLE STOP ON THE NAMED SUBJECTS AND  
REQUESTED THE REQUIRED INFORMATION, I/D DRIVER'S LICENSE, AND VEHICLE  
REGISTRATION. THE DRIVER, BLATT, STATED THAT HE DID NOT HAVE A  
DRIVERS LICENSE. AT WHICH TIME, I COMPLETED WARRANT CHECKS ON BOTH  
SUBJECTS WHICH REVEALED THAT BLATT'S DRIVERS LICENSE WAS SUSPENDED.  
HE ALSO COULD NOT PROVIDE THIS OFFICER WITH ANY VEHICLE INSURANCE. A  
VEHICLE CHECK THROUGH DELJIS REVEALED THAT THE VIN NUMBER WAS REMOVED  
AND ANOTHER ONE WAS IN PLACE (VIN CCU1590B10836).

IT SHOULD BE NOTED THAT BOTH SUBJECTS WERE OBSERVED LOADING SCRAP  
METAL IN THE REAR OF THE PICK UP TRUCK, WHICH WAS ON AMTRAK  
PROPERTY. THIS OFFICER WAS PROVIDED WITH IDENTIFICATION FOR MARK  
TURULSKI, 10/10/1947. HE WAS CHECKED THROUGH DELJIS AND WAS NEGATIVE.

Program: CMS301

Crimes Management System  
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(Continued)

BOTH SUBJECTS WERE TAKEN INTO CUSTODY FOR TRESPASSING AND THEFT FROM AMTRAK PROPERTY. THE VEHICLE WAS IMPOUNDED AND TOWED TO B&F TOWING.

AT APPROXIMATELY 2150 HOURS, B&F TOWING ARRIVED AND TOOK THE VEHICLE TO THEIR IMPOUND LOT ON AIRPORT ROAD, DEPARTED AT 2158 HOURS.

AT 2310 HOURS, BOTH SUBJECTS WERE SEEN BY JUDGE ROSALIE RUTKOWSKI IN J.P. COURT #20. THEY WERE RELEASED ON THEIR OWN RECOGNIZANCE WITH AN UNSECURED BAIL. DEPARTED COURT #20 AT 2320 HOURS AND RETURNED TO WILMINGTON TRAIN STATION.

ADVISED SGT. MANGAN AND PHILADELPHIA NCC OF THE ABOVE INFORMATION. CLEARED AT 0030 HOURS.

\*\*\*\*\* N A R R A T I V E # 2 \*\*\*\*\*  
SUPPLEMENT #1 Reported By: RAINEY, SR., EVERETT L. 3/20/05  
Entered By.: CAINE, SANDRA M. 4/05/06

INVESTIGATOR EVERETT L. RAINEY, SR. #528

SUPPLEMENTAL

INCIDENT NUMBER 01-04-006048

THEFT AND TRESPASSING

DATE OF INCIDENT: SATURDAY, MARCH 20, 2004

TIME: REPORTED 10:39 HOURS

CRIMINAL INTENT AND TRESPASS, ATTEMPTING TO STEAL SCRAP METAL OFF THE RIGHT-OF-WAY OF THE PURINA SIDING AREA WITH THE USE OF A TRUCK  
REPORTING OFFICER: LARKIN, J. #404, SEE HIS ORIGINAL REPORT FOR FURTHER INFORMATION

SUSPECT #1: ROBERT BLATT, WHITE/MALE, AGE 49, DOB: [REDACTED] SOCIAL SECURITY NUMBER [REDACTED]

SUSPECT #2: MARK TURULSKI, WHITE/MALE, AGE 57, DOB: 10/10/1947, SOCIAL SECURITY NUMBER 222-30-5690

ABOVE DATE AND TIME, INV. RAINEY #528 AND POLICE OFFICER GOELZ #250 WERE DISPATCHED TO PURINA SIDING, WILMINGTON, DELAWARE TO MEET WITH APD OFFICER J. LARKIN #404 IN REFERENCE TO THE ABOVE INCIDENT. IN THIS MEETING, OFFICER LARKIN #404 ADVISED THE INVESTIGATORS THAT HE HAD OBSERVED THE TWO SUSPECTS ABOVE ON THE ACCESS AT PURINA SIDING LOADING SCRAP METAL ONTO A TRUCK. HE MADE THE TWO SUSPECTS OFF LOAD THE SCRAP METAL AND HAD THEM FOLLOW HIM BACK TO WILMINGTON POLICE HEADQUARTERS. SUSPECTS WERE ARRAIGNED ON THE FOLLOWING CHARGES: REMOVE IDENTIFICATION NUMBER, THEFT, INSURANCE CARD AND CRIMINAL TRESPASS.

INVESTIGATOR RAINEY BRIEFED CAPTAIN RON BASON #53 OF THIS INCIDENT.

INVESTIGATOR RAINEY PHOTOGRAPHED ALL ITEMS ABOVE AND THE TWO SUSPECTS. BACK AT CID, INV. RAINEY PUT ALL PHOTOS ON A CD FOR THE WILMINGTON POLICE FIELD OFFICE. NO FURTHER ACTION WAS TAKEN BY CID.

Case No.: 1-04-006048 AMTRAK POLICE DEPARTMENT (Continued)

INCIDENT CLEARED.

\* \* \* \* \*  
\* \* \* \* \*

105.015

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MARK TURULSKI, SR.

Plaintiff

vs.

AMTRAK

Defendant

CIVIL ACTION

NO. 06-245

JURY TRIAL DEMANDED  
12 JURORS REQUESTED

**NOTICE OF SERVICE**

I, Jessica E. Gensler Lippy, Esquire, attorney for Defendant Amtrak, hereby provide notice that service of a true and correct copy of DEFENDANT AMTRAK'S INITIAL DISCLOSURES PURSUANT TO RULE 26, was made on April 14, 2006 via first class mail, postage prepaid to Plaintiff as follows:

Mark Turulski, Sr.  
6 Brookside Drive  
Apartment A  
Wilmington, DE 19804

with a copy of this Notice of Service to be served upon Plaintiff, Mark Turulski, Sr., on today's date, via first class mail, postage prepaid, at his new address of:

P.O. Box 3145  
Wilmington, DE 19804-3145

GALLAGHER & ROWAN, P.C.  
Attorneys for Defendant Amtrak

Dated: November 28, 2006

By: /s/Jessica E. Gensler Lippy  
JESSICA E. GENSLER LIPPY, ESQUIRE  
Attorney I.D. No. 4426  
SILVERSIDE CARR EXECUTIVE CENTER  
501 SILVERSIDE ROAD, SUITE 94  
WILMINGTON, DE 19809  
(302) 798-2779